

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Duane J. Seelye,)
)
Plaintiff,) **ORDER**
)
vs.)
)
The Burlington Northern and Santa Fe)
Railway Company,) Case No. 1:05-cv-130
)
Defendant.)

The plaintiff initiated the above-entitled action by filing a complaint on December 30, 2005.

Observing the dearth of activity in this case, the court issued an order on August 28, 2006, directing the plaintiff to show cause why this matter should not be dismissed for failure to prosecute. On September 8, 2006, the plaintiff filed a response to the court's order. Therein, he attributed any delay in prosecuting the action to recent factual developments. He also requested leave of court amend his complaint to include what he characterizes as a necessary party by October 1, 2006.

The plaintiff's request for leave of court to file an amended complaint by October 1, 2006, is **GRANTED**. In addition, the court **GRANTS** the plaintiff an extension of the time limit for effecting service under Fed. R. Civ. P. 4(m); the plaintiff shall have until December 31, 2006, to serve the defendant(s).

IT IS SO ORDERED.

Dated this 11^h day of September, 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.
United States Magistrate Judge